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October 28, 2024

The Honorable Valerie Figueredo
United States District Court Southern District of New York
500 Pearl Street, New York, NY 10007

Re: Harrington Global Opportunity Fund v. BofA Securities, Inc., et al., No. 1:21-cv-761

Dear Judge Figueredo:

We represent Defendants CIBC World Markets, Inc., Merrill Canada, Inc., and BofA Securities, Inc. in the above-referenced matter. Pursuant to the Protective Order (ECF No. 111), and Your Honor's Individual Practices in Civil Cases Rule I.g, we write to request approval to file Defendants' letter motion to compel Harrington to produce backup materials for reports by its testifying expert Dr. Jonathan Brogaard and exhibits thereto under seal and publicly file a version with placeholder exhibits.

Defendants have attached as exhibits to their letter motion copies of Dr. Brogaard's reports, documents that Defendants have designated as Confidential under the Protective Order. The Protective Order provides that all "copies, reproductions, extracts, digests, and complete or partial summaries prepared from any DESIGNATED MATERIALS shall also be considered DESIGNATED MATERIAL and treated as such under this Order." (ECF No 111.) Thus, Defendants seek to file under seal the letter motion, as well as its exhibits which are copies of documents that Defendants have designated Confidential.

Pursuant to Your Honor's Individual Practices, Defendants are publicly filing their motion with proposed redactions and electronically filing under seal a copy of the unredacted response with the proposed redactions highlighted.

The below Appendix lists the parties and their counsel of record who should have access to the sealed documents.

Respectfully submitted,

/s/ Abby F. Rudzin

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/s/ Sandra D. Hauser

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cc: All counsel of record via ECF

Appendix

Plaintiff Harrington Global Opportunity Fund, Limited

WARSHAW BURNSTEIN, LLP

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CHRISTIAN ATTAR

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Defendants BofA Securities, Inc. and Merrill Lynch Canada, Inc.

O'MELVENY & MYERS LLP

Abby F. Rudzin
William J. Martin

MEMO ENDORSED



**HON. VALERIE FIGUEREDO
UNITED STATES MAGISTRATE JUDGE**

Dated: 10/29/24

Harrington is directed to make a showing under Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110 (2d Cir. 2006) by **November 19, 2024** in order to permanently seal the documents currently filed under provisional seal at ECF No. 400.